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VIA ECFThe Honorable Andrew L. Carter Jr.
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007Re: *DST Systems, Inc., et al. v. Ruane, Cuniff & Goldfarb Inc., et al.*, 20-CV-09472

Dear Judge Carter:

MEMO ENDORSED

We represent the DST Plaintiffs in this action. Pursuant to Your Honor's Individual Practices, we write to request permission to file the U.S. Department of Labor letter to Ruane, Cuniff & Goldfarb, Inc. dated August 13, 2018 ("Exhibit A"), in support of our letter opposing the Ruane Defendants' request for a pre-motion conference in connection with their anticipated motion to dismiss (the "Response"), under seal and to maintain under seal certain redacted portions of the Response.

The DST Plaintiffs request that Exhibit A be filed under seal as it was confidentially produced to the DST Plaintiffs pursuant to the protective order entered in *Ferguson v. Ruane Cuniff & Goldfarb Inc.*, No. 17-CV-06685 (ALC) (BCM) (S.D.N.Y.), ECF No. 119. Out of an abundance of caution, the DST Plaintiffs request that the letter be filed under seal in order to protect those confidentiality interests.

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The Honorable Andrew L. Carter Jr.

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While a presumption of public access applies to judicial documents, *i.e.*, documents relevant to the performance of the judicial function and useful in the judicial process, the weight of the presumption is “governed by the role of the material at issue” and the resulting value of such information to the public. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006); *United States v. Amodeo*, 44 F.3d 141, 145 (2d Cir. 1995). Courts also must balance against the weight of the presumption any countervailing factors, such as “the privacy interests of those resisting disclosure”—including “the degree to which the subject matter is traditionally considered private rather than public”—and the “nature and degree of injury” resulting from disclosure. *See Lugosch*, 435 F.3d at 120; *United States v. Amodeo*, 71 F.3d 1044, 1050–51 (2d Cir. 1995).

Respectfully submitted,

/s/ Lewis R. Clayton

Lewis R. Clayton

cc: All Counsel of Record (by ECF Filing)

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

September 23, 2021